



March 1, 1999

Ms. Marie Galindo
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR99-0594

Dear Ms. Galindo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122502.

The City of Midland (the "city") received a request for a copy of a 9-1-1 call made on November 13, 1998 at 1:09 a.m. You have submitted a copy of the tape. You contend that the tape must be withheld from public disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right of privacy and the informer's privilege. We have considered the exception you claim and have reviewed the tape at issue.

Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The common-law right to privacy, incorporated into the Open Records Act by section 552.101, protects information if it is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person *and* the public has no legitimate interest in it. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 262 (1980), this office stated that information about a patient's injury or illness might be protected under common-law privacy if such injury or illness relates to drug overdoses, acute alcohol intoxication, gynecological or obstetrical illnesses, convulsions and seizures, or emotional and mental distress. For these reasons, the city must withhold the requested tape from disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right to privacy. Since we have resolved this request under section 552.101 of the Government Code in conjunction with common-law right to privacy, we need not address your claim under the informer's privilege.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122502

Enclosures: Submitted documents

cc: Mr. Troy Barrington
1993 Mogford Street
Midland, Texas 79701
(w/o enclosures)